

REMARKS

In the Office Action, the Examiner rejected claims 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,771,761 to LaPierre et al. ("LaPierre")¹; rejected claims 8 and 38 as being unpatentable over LaPierre in view of U.S. Patent Publication No. 2002/0076031 to Falcon et al. ("Falcon"); and rejected claims 27 and 28 as being unpatentable over LaPierre in view of U.S. Patent No. 4,839,916 to Fields et al. ("Fields") and/or U.S. Patent No. 5,838,767 to Aoyama ("Aoyama").

By this Amendment, Applicants have amended claims 1, 17, and 31. Claims 1-13, 16-18, 20-43, and 46-53 are currently pending. Based on the foregoing amendments and the following remarks, Applicants respectfully traverse the Examiner's rejections of the pending claims.

A. Rejection of Claims 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53 Under 35 U.S.C. § 103(a) Based on LaPierre

The Examiner rejected claims 1-7, 9-13, 16-18, 20-26, 29-37, 39-43, and 46-53 under 35 U.S.C. § 103(a) as being unpatentable over LaPierre. Office Action at 2. The Examiner asserted that LaPierre discloses every claim element recited in claim 1 except for "requesting the calling party to select one of a plurality of related types of the first service in response to the determination that the trigger number matches the predetermined trigger number." Office Action at 3. The Examiner, however, asserted that "it would have been obvious to one of ordinary skill in the art at the time the

¹ Although the Office Action refers to U.S. Patent No. 6,795,543, the Applicants' representative confirmed with the Examiner on June 11, 2007, that this was an error in the Office Action and that the correct patent number for the reference is 6,771,761.

invention was made to add the teaching of LaPierre in steps 214-224 into step 212 of Fig. 2 in order to request the calling party to select a first or second service, in response to the determination that the trigger number does not match the predetermined trigger number.” The Examiner asserted that “[s]uch is a design choice or preference involving merely configuring a system as desired.” *Id.* Applicants respectfully disagree.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim elements must be taught or suggested by the prior art. See M.P.E.P. § 2143.03. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Each of these requirements must “be found in the prior art, not in Applicant’s disclosure.” See M.P.E.P. § 2143.

Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness with respect to amended independent claim 1 for at least the reason that LaPierre fails to teach or suggest the every claim element recited in amended independent claim 1. In particular, LaPierre fails to disclose at least “receiving a call directed to one of the plurality of numbers from a calling party, wherein the call includes a trigger number,” as recited in amended independent claim 1. Further, as the Examiner correctly observed, LaPierre also fails to disclose “requesting the calling party to select one of a plurality of related types of the first service in response to the determination that the trigger number matches the predetermined trigger number,” as recited in amended independent claim 1.

LaPierre is directed to a “system and method for caller-selectable call routing from a **single telephone number.**” See LaPierre, Title. (emphasis added). A “telephone [subscriber] often use[s] multiple telephone numbers for both personal and business purposes. With so many different telephone numbers, . . . people often have to call several different numbers before reaching their desired party.” LaPierre, col. 1, lines 14-21. To resolve these problems, LaPierre provides a method for the subscriber to “combine access to multiple residential and business telephone numbers via a **single universal number.**” LaPierre, Abstract, lines 5-6. (emphasis added). Once the subscriber combines the multiple telephone numbers into a single universal number by signing up for the universal number service, a calling party may dial the single universal number and select one routing destination from alternate destinations associated with the subscriber. LaPierre, col. 2, lines 15.

Thus, the system of LaPierre is capable of routing a call directed to a single universal number only, and fails to handle multiple telephone numbers. Because of this limitation, the subscriber of the system must sign up for the universal number service to combine multiple telephone numbers into a single universal number. LaPierre, col. 2, lines 21-24; FIG. 2, items 210, 212, and 226. Otherwise, when a call is received from a calling party, the system plays an error message to the calling party and fails to route the call to a proper destination. LaPierre, FIG. 2, items 210, 212, and 226. Unlike LaPierre, the method recited in amended independent claim 1 does not require the calling party to dial a single universal number. For at least these reasons, LaPierre fails to disclose “receiving a call directed to one of **[a] plurality of numbers** from a calling

party, wherein the call includes a trigger number," as recited in amended independent claim 1. (emphasis added).

Furthermore, as the Examiner correctly observed, LaPierre fails to disclose "requesting the calling party to select one of a plurality of related types of the first service in response to the determination that the trigger number matches the predetermined trigger number," as recited in amended independent claim 1. The Examiner, however, asserted that "it would have been obvious to . . . add the teaching of LaPierre in steps 214-223 into step 212 of Fig. 2 [,and that such] is a design choice or preference involving merely configuring a system as desired." Office Action at 3. Applicants respectfully disagree.

As explained above, the system of LaPierre requires a subscription to a universal number service. Without this required subscription, the system of LaPierre does not have sufficient information to request a calling party to select a routing destination from alternate destinations associated with the subscription. Thus, it is not merely a design choice or preference involving configuring a system, as the Examiner asserts. Rather, it is a technical limitation due to the system's inability to route a call without the required subscription. Because requesting a calling party to select a destination is no longer technically feasible, the system of LaPierre plays an error message to the calling party and ends the call, as shown in FIG. 2. Before adding the teaching of LaPierre in steps 214-224 into step 212 of FIG. 2, the limitation of the system of LaPierre must be overcome. Therefore, it would not have been obvious to one of ordinary skill in the art at the time of invention was made to add the teaching of LaPierre in steps 214-224 into

step 212 of FIG. 2 in order to request the calling party to select a first or second service, in response to the determination that subscription was not found.

For at least the reasons set forth above, LaPierre does not support the § 103 rejection of amended independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of amended independent claim 1 based on LaPierre.

In addition, amended independent claims 17 and 31 recite features that are similar to the features recited in amended independent claim 1. For reasons at least similar to the reasons set forth above with respect to amended independent claim 1, LaPierre does not support the § 103 rejection of amended independent claims 17 and 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of amended independent claims 17 and 31 based on LaPierre.

Claims 2-7, 9-13, 47, and 50-53 depend from claim 1; claims 16, 18, 20-26, 29, 30, and 48 depend from claim 17; and claims 32-37, 39-43, and 46, 49 depend from claim 31. Thus, claims 2-7, 9-13, 16, 18, 20-26, 29, 30, 32-37, 39-43, and 46-53 are allowable at least by virtue of their dependence on an allowable independent claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 2-7, 9-13, 16, 18, 20-26, 29, 30, 32-37, 39-43, and 46-53 based on LaPierre.

B. Rejection of Claims 8 and 38 Under 35 U.S.C. § 103(a) Based on LaPierre and Falcon

The Examiner rejected claims 8 and 38 under 35 U.S.C. § 103(a) as being unpatentable over LaPierre in view of Falcon. Office Action at 7. Claims 8 and 38

depend from amended independent claims 1 and 31, respectively. As explained above with respect to amended independent claim 1, LaPierre fails to disclose “receiving a call directed to one of the plurality of numbers from a calling party, wherein the call includes a trigger number,” and “requesting the calling party to select one of a plurality of related types of [a] first service in response to the determination that the trigger number matches the predetermined trigger number,” as recited in amended independent claim 1.

Falcon allegedly “teaches a system for connecting a caller making a service request to any number of agents, remote or local, servicing a plurality of call centers, taking and storing caller information such as past caller history which would include any calls abandoned by a caller.” Office Action at 7. Even assuming that these allegations were true, Falcon fails to teach “receiving a call directed to one of the plurality of numbers from a calling party . . . ” and “requesting the calling party to select one of a plurality of related types of [a] first service . . . ,” as recited in amended independent claim 1, and Falcon fails to cure the deficiencies of LaPierre. Thus, LaPierre and Falcon, taken alone or in combination, fail to support the rejection of claims 8 and 38. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 8 and 38 based on LaPierre and Falcon.

C. Rejection of Claims 27 and 28 Under 35 U.S.C. § 103(a) Based on LaPierre, Fields, and Aoyama

The Examiner rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over LaPierre in view of Fields and/or Aoyama. Office Action at 8. Claims 27 and 28 depend from amended independent claim 17. As explained above

with respect to amended independent claim 1, which recites features that are similar to the features recited in amended independent claim 17, LaPierre fails to disclose “receiving a call directed to one of the plurality of numbers from a calling party, wherein the call includes a trigger number,” and “requesting the calling party to select one of a plurality of related types of [a] first service in response to the determination that the trigger number matches the predetermined trigger number,” as recited in amended independent claim 1.

Fields and/or Aoyama allegedly teach “systems of any sort to have the ability to detect when a call or action is real or when it is merely a test.” Office Action at 8. Even assuming that these allegations were true, Fields and/or Aoyama fail to teach “receiving a call directed to one of the plurality of numbers from a calling party . . . ” and “requesting the calling party to select one of a plurality of related types of [a] first service . . . ,” as recited in amended independent claim 1, and Fields and/or Aoyama fail to cure the deficiencies of LaPierre. Thus, LaPierre, Fields, and Aoyama, taken alone or in combination, fail to support the rejection of claims 27 and 28. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 27 and 28 based on LaPierre, Fields, and Aoyama.

D. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

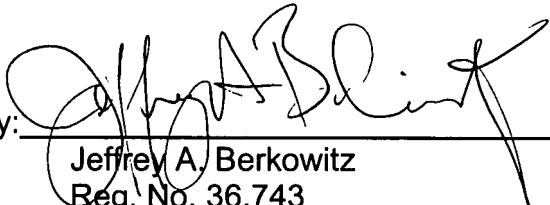
Customer No. 25,537
Attorney Docket No. 00-5019

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:


Jeffrey A. Berkowitz
Reg. No. 36,743

Dated: August 7, 2007